

EXHIBIT 82

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

*IN RE PACIFIC FERTILITY CENTER
LITIGATION*

Case No. 3:18-cv-01586-JSC

**PLAINTIFF E.F.'S RESPONSES TO
DEFENDANT CHART INC.'S
INTERROGATORIES**

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1 2. Plaintiff objects to the Interrogatories insofar as they purport to require
2 disclosure of communications and information that are shielded from disclosure by the physician-
3 patient privilege.

4 3. Plaintiff objects to the Interrogatories on the grounds that they require the
5 disclosure of confidential and/or private information that is not directly relevant to Plaintiff's
6 claims, the disclosure of which would cause injury, embarrassment, or the invasion of Plaintiff's
7 privacy as protected under Section 1 of the California Constitution.

8 4. Plaintiff objects to the Interrogatories to the extent to which they purport to
9 impose obligations on the responding entities other than those imposed by applicable law,
10 including calling for responses that are not reasonably calculated to lead to the production of
11 admissible evidence.

12 5. Plaintiff objects to the Interrogatories to the extent they infringe upon
13 plaintiff's privacy rights.

14 6. Without waiving any of the foregoing General Objections, each of which is
15 hereby expressly incorporated into each individual response as if fully restated therein, Plaintiff
16 responds, as set forth below, subject to the following additional reservations:

17 a. The right to object on any permissible ground whatsoever,
18 including, but not limited to, competency, vagueness, relevance, and materiality, to the admission
19 into evidence or other use of any of these responses at the trial of this action or at any other
20 proceeding in this action or any other action;

21 b. The right to object on any permissible ground whatsoever to any
22 demand for further responses or any other discovery procedures involving or relating to the
23 subject matter of the responses; and

24 c. The right at any time to revise, correct, add to, or clarify any of the
25 responses set forth herein, as discovery is ongoing.

26 **INTERROGATORY NO. 1:**

27 Identify Your date of birth.
28

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff responds: [REDACTED], 1982.

INTERROGATORY NO. 2:

Identify all Providers from whom You have sought treatment for obstetrics, gynecology, or reproductive services during the last 10 years.

RESPONSE TO INTERROGATORY NO. 2:

Plaintiff objects to this Interrogatory on the grounds that it purports to require the disclosure of information subject to a claim of privilege or protection, including, without limitation, information protected by based on the attorney-client relationship, physician-patient relationship, marital relationship, attorney work product, or litigation materials (Objection on the ground of "Privilege.") Plaintiff also objects to this Interrogatory to the extent that it calls for information protected by Plaintiff's privacy rights, or the privacy rights of others, or any other lawfully recognized privilege or immunity from disclosure that may attach to information requested by the interrogatory. (Objection on the ground of "Privacy.") Plaintiff objects to this Interrogatory to the extent that it purports to impose any duty upon Plaintiff that is inconsistent with, or beyond that required by, the rules of this Court and the Federal Rules of Civil Procedure. (Objection on the ground of "Scope.") Plaintiff objects to this Interrogatory on the ground that it seeks information that is not relevant to this action and not "proportional to the needs of the case" under Federal Rule of Civil Procedure 26(b)(1). (Objection on the ground of "Relevance.") Plaintiff further objects to this Interrogatory to the extent that it seeks information for the illegitimate purposes of harassing, annoying, or embarrassing Plaintiff. (Objection on the ground of "Harassment.") Notwithstanding the above, and without waiving any objections, Plaintiff responds that, in or around May 2016, Plaintiff sought fertility services from Pacific Fertility Center and its doctors. Plaintiff further responds that in or around April 2018, Plaintiff consulted Dr. Paolo Rinaudo at the University of San Francisco (UCSF) for fertility services.

INTERROGATORY NO. 3:

Identify any diagnosis of infertility or other medical diagnosis that You understand could impact Your fertility or ability to give birth to a child in any way, including the date of such

1 diagnosis and the name of the Provider(s) from whom You received such diagnosis.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, and
4 Harassment. Plaintiff further objects that this Interrogatory calls for expert testimony and
5 information that may not be within Plaintiff's personal knowledge. Notwithstanding the above,
6 and without waiving any objections, Plaintiff responds to the best of her understanding, Plaintiff
7 is unaware of any particular medical diagnosis that she may have received. She understands from
8 her providers at PFC that her age could impact her fertility.

9 **INTERROGATORY NO. 4:**

10 Identify all Fertility-Related Services that You have received, including, but not limited
11 to, a description of such services, the dates on which You received such services, and the names
12 of the Providers from whom You received such services.

13 **RESPONSE TO INTERROGATORY NO. 4:**

14 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
15 Harassment. Notwithstanding the above, and without waiving any objections, Plaintiff responds
16 that, in or around August 2016, Plaintiff received the following fertility services from Pacific
17 Fertility Center: egg retrieval, egg freezing, and egg storage services. Plaintiff further responds
18 that she received the following fertility services in or around April 2018 from UCSF where her
19 doctor was Dr. Paolo Rinaudo: egg retrieval, egg freezing, and egg storage services.

20 **INTERROGATORY NO. 5:**

21 For any Fertility-Related Services identified in response to Interrogatory No. 4, identify
22 any psychological or emotional distress that You experienced in connection with such services.

23 **RESPONSE TO INTERROGATORY NO. 5:**

24 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
25 Harassment. Plaintiff further objects that this Interrogatory calls for expert testimony.
26 Notwithstanding the above, and without waiving any objections, Plaintiff responds that she
27 experienced the following psychological and emotional distress in connection with the Fertility-
28 Related Services identified in response to Interrogatory No. 4: suffering, anguish, fright, horror,

1 nervousness, grief, anxiety, worry, shock, humiliation, shame, and significant personal
2 relationship issues.

3 **INTERROGATORY NO. 6:**

4 Identify any treatment, medical or otherwise, that You have received for any
5 psychological or emotional distress that You experienced in connection with Fertility-Related
6 Services identified in Interrogatory No. 4, including, but not limited to, the type of treatment, the
7 dates of such treatment, the names of the Providers from whom You received such treatment, the
8 name of any medications that You were prescribed in connection with such treatment, and the
9 outcome of such treatment.

10 **RESPONSE TO INTERROGATORY NO. 6:**

11 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
12 Harassment. Plaintiff further objects that this Interrogatory calls for expert testimony.
13 Notwithstanding the above, and without waiving any objections, Plaintiff responds Plaintiff
14 received therapy from psychologist Dr. Ayelet Krieger in and around August 2016 when she
15 underwent fertility preservation services from PFC.

16 **INTERROGATORY NO. 7:**

17 Identify the total number of pregnancies that You have had, including the date of each
18 pregnancy, whether the pregnancy occurred without Assisted Reproductive Technology, and the
19 outcome of each pregnancy, including, but not limited to, whether the pregnancy resulted in a
20 miscarriage or a live birth.

21 **RESPONSE TO INTERROGATORY NO. 7:**

22 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
23 Harassment, and particularly to the extent this question calls for information related to unplanned
24 pregnancies terminated for elective reasons. Plaintiff also objects that this Interrogatory calls for
25 expert testimony, is vague as to what “pregnancy” means (i.e. clinical, biochemical, or both),
26 vague as to “date of each pregnancy”, and calls for information that may not be within Plaintiff’s
27 personal knowledge (as often women are unaware of pregnancies that result in early
28 miscarriages). Notwithstanding the above, and without waiving any objections, Plaintiff responds

1 that to the best of her understanding, she had the following pregnancies using assisted
2 reproductive technology: Zero. Plaintiff further responds that to the best of her understanding, she
3 had the following pregnancies without using assisted reproductive technology, resulting in either
4 a miscarriage or live birth: Zero.

5 **INTERROGATORY NO. 8:**

6 For any pregnancy identified in Interrogatory No. 7 that did not result in a live birth,
7 identify what You understand was the reason(s) for the pregnancy not resulting in a live birth and
8 the basis for that understanding, including, but not limited to, the name of any Provider on whom
9 You base Your understanding.

10 **RESPONSE TO INTERROGATORY NO. 8:**

11 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
12 Harassment. Plaintiff also objects that this Interrogatory calls for expert testimony and for
13 information not within Plaintiff's personal knowledge or understanding. Subject to objections,
14 Plaintiff responds: Not applicable.

15 **INTERROGATORY NO. 9:**

16 Identify all reasons why You sought services at PFC.

17 **RESPONSE TO INTERROGATORY NO. 9:**

18 Plaintiff objects to this Interrogatory on the ground of Vagueness because the term
19 "reasons" is vague or otherwise incomprehensible. (Objection on the ground of "Vagueness.").
20 Subject to objections, Plaintiff responds that PFC came recommended by her mother's doctor and
21 Plaintiff's business partner. Plaintiff also saw representations about PFC's services on its
22 website, including claims regarding the qualifications of PFC's staff and the science behind the
23 clinic's procedures. Plaintiff also understood that PFC used cutting-edge technology that would
24 adequately protect her eggs.

25 **INTERROGATORY NO. 10:**

26 Identify the total number of children that You currently have, their ages, and whether any
27 are Your biological children (i.e., conceived from Your own eggs or sperm).
28

1 **RESPONSE TO INTERROGATORY NO. 10:**

2 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
3 Harassment. Subject to these objections, Plaintiff responds: Zero.

4 **INTERROGATORY NO. 11:**

5 With regard to any child identified in response to Interrogatory No. 10, state (i) whether
6 that child was conceived with Assisted Reproductive Technology, and (ii) whether that child
7 shares any genetic parentage with the Biological Material that You understand to have been
8 stored in Tank 4 on March 4, 2018, or in any other location, and, if so, which genetic parent or
9 parents are in common.

10 **RESPONSE TO INTERROGATORY NO. 11:**

11 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
12 Harassment. Subject to these objections, Plaintiff responds: Not applicable.

13 **INTERROGATORY NO. 12:**

14 Identify all of the Biological Material that You have cryopreserved at any time, whether at
15 PFC or at another facility, the location(s) at which such Biological Material was cryogenically
16 stored, the type and quantity of Biological Material stored at each location, and the dates on
17 which the Biological Material was stored at each location.

18 **RESPONSE TO INTERROGATORY NO. 12:**

19 Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and
20 Harassment. Subject to these objections, and to the best of her understanding, Plaintiff responds
21 Plaintiff stored approximately 9 eggs at PFC in San Francisco, CA, in or around August of 2016.
22 Plaintiff also stored approximately 15 eggs at UCSF in San Francisco, CA, in or around April
23 2018.

24 **INTERROGATORY NO. 13:**

25 With regard to the Biological Material identified in Your response to Interrogatory No. 12,
26 identify all attempts that You made to use such cryopreserved Biological Material to initiate a
27 pregnancy and the dates of such attempts.
28

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and Harassment. Subject to these objections, with respect to Biological Material stored at PFC, Plaintiff responds: None.

INTERROGATORY NO. 14:

Describe the outcome of all of the attempts to use Your Biological Material identified in Interrogatory No. 13, including, but not limited to, whether such attempt resulted in a pregnancy, miscarriage, or a live birth.

RESPONSE TO INTERROGATORY NO. 14:

Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and Harassment. Plaintiff further objects that the term “pregnancy” is vague. Subject to these objections, Plaintiff responds: Not applicable.

INTERROGATORY NO. 15:

For any attempt to use Your Biological Material identified in Interrogatory No. 13 that did not result in a live birth, identify what You understand was the reason(s) for that result and the basis for Your understanding, including, but not limited to, the name of any Provider on whom You base Your understanding.

RESPONSE TO INTERROGATORY NO. 15:

Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and Harassment. Plaintiff also objects that this Interrogatory calls for expert testimony and for information not within Plaintiff’s personal knowledge or understanding. Subject to these objections, Plaintiff responds: Not applicable.

INTERROGATORY NO. 16:

State whether You have ever donated or discarded, or directed anyone to donate or discard, any cryogenically stored Biological Material.

RESPONSE TO INTERROGATORY NO. 16:

Plaintiff objects to this Interrogatory on the grounds of Privilege, Privacy, Relevance, and Harassment. Subject to these objections, Plaintiff responds that as to Biological Material stored

1 at PFC: No.

2 **INTERROGATORY NO. 17:**

3 Describe any emotional distress that You claim to have experienced as a result of the
4 Incident.

5 **RESPONSE TO INTERROGATORY NO. 17:**

6 Plaintiff objects to this Interrogatory on the grounds of Privilege and Privacy. Subject to
7 objections, Plaintiff responds she experienced the following psychological and emotional distress
8 as a result of the Incident: suffering, anguish, fright, horror, nervousness, grief, anxiety, worry,
9 shock, humiliation, shame, anxiety, and depression.

10 **INTERROGATORY NO. 18:**

11 Identify any treatment, medical or otherwise, that You have received for any
12 psychological or emotional distress that You claim to have experienced as a result of the Incident,
13 including, but not limited to, the type of treatment, the dates of such treatment, the names of the
14 Providers from whom You received such treatment, the name of any medications that You were
15 prescribed in connection with such treatment, and the outcome of such treatment.

16 **RESPONSE TO INTERROGATORY NO. 18:**

17 Plaintiff objects to this Interrogatory on the grounds of Privilege and Privacy. Subject to
18 objections, Plaintiff responds that, soon after the Incident, Plaintiff received therapy from
19 psychologist Dr. Evelyn Weiser who recommended she take prescription medication to deal with
20 the impact of the Incident. A few months after the Incident, Plaintiff then received psychotherapy
21 treatment from psychiatrist Dr. Heather Warm, who prescribed her Zoloft. Presently, Plaintiff
22 still is on Zoloft, which is now prescribed by her general doctor.

23 **INTERROGATORY NO. 19:**

24 Identify any medical diagnoses that You have received in connection with any
25 psychological or emotional distress that You claim to have experienced as a result of the Incident,
26 including, but not limited to, the date of such diagnoses, the name of the Provider(s) who made
27 such diagnoses, and the name of any medications that You were prescribed in connection with
28 such diagnoses.

1 **RESPONSE TO INTERROGATORY NO. 19:**

2 Plaintiff objects to this Interrogatory on the grounds of Privilege and Privacy. Subject to
3 objections, Plaintiff responds that, a few months after the Incident, psychiatrist Dr. Heather Warm
4 diagnosed Plaintiff with anxiety and prescribed her Zoloft.

5 **INTERROGATORY NO. 20:**

6 With regard to any Biological Material that You allege to have been stored in Tank 4 on
7 March 4, 2018, identify all payments made for such storage, including the dates of payment.

8 **RESPONSE TO INTERROGATORY NO. 20:**

9 Plaintiff objects to this Interrogatory on the grounds that the information sought is
10 available from other parties and/or is not within Plaintiff's possession, custody, or control.
11 (Objection on the ground of "Custody."). Plaintiff responds Plaintiff paid approximately \$600 for
12 initial storage in or around August 2016 and approximately \$600 for her second year of storage
13 about a year later.

14 **INTERROGATORY NO. 21:**

15 Identify the total amount of expenses that You have incurred for any Fertility-Related
16 Services identified in response to Interrogatory No. 4, including the dates on which you incurred
17 such expenses.

18 **RESPONSE TO INTERROGATORY NO. 21:**

19 Plaintiff objects to this Interrogatory on the grounds of Custody. Subject to objections,
20 Plaintiff responds Plaintiff incurred approximately \$11,000 in expenses in or around the summer
21 of 2016 for fertility preservation services at PFC. Plaintiff also incurred approximately \$12,000
22 in expenses in or around spring of 2018 for fertility preservation services at UCSF.

23 **INTERROGATORY NO. 22:**

24 Describe any damages to which You allege You are entitled based upon the claims alleged
25 in the Action, including a detailed computation of all components of those damages.

26 **RESPONSE TO INTERROGATORY NO. 22:**

27 Plaintiff responds Plaintiffs, on behalf of themselves and the class, seek compensatory and
28 punitive damages subject to proof. Plaintiffs' calculation of damages will depend on information

1 to be received from Defendant in discovery, as well as expert testimony. Plaintiffs, on behalf of
2 themselves and the class, also seek injunctive relief in the form of a preliminary and permanent
3 injunction against Defendants.

4
5 Dated: November 4, 2019

By: 

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Counsel for Plaintiffs and Interim Class Counsel

VERIFICATION

I, E.F., verify subject to the penalty of perjury that the foregoing Objections and Responses to Defendant Chart's Interrogatories are true and correct to the best of my knowledge and belief.

Dated: 11/3/2019

By: _____

DocuSigned by:

E.F.

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